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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,696	05/23/2000	Alessandro Donatelli	GB920000048US1	3729

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EXAMINER
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QURESHI, SHABANA

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/26/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/576,696

Applicant(s)

ALESSANDRO DONATELLI

Examiner

Shabana Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed 12 June 2003 have been fully considered but they are not persuasive for the following reasons:

Applicants' main argument is that nothing in Lazaridis can be reasonably be interpreted as teaching or even suggesting the invention and Lazaridis' patent does not relate in any way to configuring a pervasive device from an endpoint/workstation.

Examiner respectfully disagrees the entire allegation as argued. Examiner, in her previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

In response to Applicants' argument that Lazaridis' patent does not relate in any way to configuring a pervasive device from an endpoint/workstation. Examiner wants to show that Lazaridis teaching of a device agent (redirection program) at a mobile user device (see column 4, lines 39-67) that contains configuration information, acting automatically without user intervention, clearly teaching above limitation as argued.

In response to Applicants' argument that nothing in Lazaridis can be reasonably be interpreted as teaching or even suggested the invention.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

**Interpretation of Claims-Broadest Reasonable Interpretation**

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility

that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Reference is made to MPEP 2144.01 - Implicit Disclosure

“[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968)

Subsequent to an analysis of the claims it was revealed that a number of limitations recited in the claims belong in the prior art and thus encompassed and/or implicitly disclosed in the reference (s) applied and cited. It is logical for the examiner to focus on the limitations that are “crux of the invention” and not involve a lot of energy and time for the things that are not central to the invention, but peripheral. The examiner is aware of the duties to address each and every element of claims, however, it is also important that a person prosecuting a patent application before the Office or an stakeholders of patent granting process make effort to understand the level of one of ordinary skill in the (data processing) art or the level one of skilled in the (data processing) art, as encompassed by the applied and cited references. The administrative convenience derived from such cooperation between the attorneys and examiners benefits the Office as well the patentee.

In view of the above, the examiner contends that all limitations as recited in the claims have been correctly interpreted and addressed in this Action.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

### DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 17-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazaridis et al (US 6,219,694 B1).

As per claims 17, 22, 28, and 32, Lazaridis et al teach a gateway component resident on a workstation, the gateway component being instantiable during synchronization of the workstation with a pervasive device and comprising:

- means for transferring a device agent to a pervasive device (column 10, lines 21-67; column 4, lines 39-67), “redirection program”);
- means for transmitting configuration information to the device agent, the agent comprising means for executing configuration commands in response to the configuration information received from the gateway component (column 3, line 9 - 4, lines 39; column 4).

As per claim 18, Lazaridis et al teach a gateway component as defined in claim 17, further including:

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- means for receiving a file from a management server including the address of a specific pervasive device and one or more commands (column 3, line 19 – column 4, line 19-39);
- means for generating device-specific commands based on the received file (column 3); and
- means for forwarding the device-specific commands to the device agent at the specific pervasive device identified in the file received from the management server, the device agent executing the device-specific commands as they are received (column 3).

As per claim 19, Lazaridis et al teaches a gateway component as identified in claim 18, wherein the commands comprise commands for removing files from the specific pervasive device (column 6, lines 7-30).

As per claim 20, Lazaridis et al teaches a gateway component as identified in claim 17, further including:

- means for receiving a file from a management server including the address of a specific pervasive device and one or more commands (column 3, lines 36-43);
- means for generating device-specific commands based on the received file (column 3, lines 9-65); and
- means for forwarding the device-specific commands to the device agent at the specific pervasive device identified in the file received from the management server, the device agent storing the device-specific commands for execution after all are received (column 3, lines 9-65).

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As per claim 21, Lazaridis et al teach a gateway component as identified in claim 20 wherein the commands comprising database or application configuration commands (column 3, lines 9-65).

As per claims 23, 24, 29 and 30, Lazaridis et al teach a system as defined in claim 22, wherein the device agent in the pervasive device component includes means for deleting the configuration commands when the pervasive device has been configured (column 6, lines 7-30).

As per claim 25, Lazaridis et al teach a system as defined in claim 22 further including:

- a controller resident on the workstation for pervasive devices of a given type, the controller instantiating one or more during synchronization of devices of the given type (column 9, lines 34-50); and
- an enabling component including means for configuring the controller to add the gateway component as a module to any modules instantiated during synchronization of pervasive devices of the given type (column 10, lines 21-67).

As per claim 26, Lazaridis et al teach a system as defined in claim 25, wherein the pervasive device is a Palm Computing Platform device and wherein the controller comprises a mask defining any conduit modules which are instantiated during synchronization of a pervasive device (column 1, lines 9-38) and wherein the enabling component comprises means for configuring the controller to selectively add the gateway component as a module to any modules which are instantiated during synchronization of the pervasive device (column 10, lines 21-67).

As per claims 27 and 31, Lazaridis et al teach a system as defined in claim 22, wherein the device agent, in response to a request from the gateway agent, performs an inventory of

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software installed on the pervasive device and returns the inventory to the gateway component

(column 3, lines 35-50).



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*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (703) 308-6118. The examiner can normally be reached on Monday - Friday, 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Shabana Qureshi  
Examiner  
Art Unit 2155

SQ

  
HOSAIN T. ALAM  
PRIMARY EXAMINER